

TOWN OF COLCHESTER
Preliminary Growth Center Designation
Application for Award of Interim Primary
Agricultural Soils Mitigation Benefits
August 31, 2007

Introduction – The Town of Colchester is pleased to submit the following application for interim benefits associated with the Growth Center Program for consideration by the Planning and Coordination Group and the Vermont Downtown Board.

The information provided in response to the questions below will illustrate that the Town has not completed all of the detailed planning and documentation required for a formal growth center designation application. We are confident that we have assembled enough evidence to show that the Town has met the requirements for interim benefits, including a demonstration that our proposed growth center is consistent with the statutory definition. We are submitting a Growth Center Planning Grant application to DHCA to help us complete the most challenging portions of a full growth center designation application, such as defining impact on adjacent designated downtowns and village centers and sorting out provision of wastewater service.

Application Requirements

(1) A “notice of intent” to file a complete application for formal growth center designation with the expanded State Board within 18 months of the grant of interim benefits

The Town of Colchester filed a notice of intent, dated August 29, 2007, to apply for growth center designation within eighteen months with the State Board. (See Attachment A).

(2) The municipality should explain why it believes the grant of “interim benefits” is warranted pursuant to Section 11 of Act 183.

First, the Town of Colchester believes its proposed growth center meets the statutory definition of “growth center”. That definition reads as follows

“Growth Center” means an area of land that contains substantially the characteristics specified in subdivision (B) of this subdivision (12) and that is located in one or a combination of the following:

- (i) *A designated downtown, village center or new town center.* This does not apply for reasons explained in Question ii below.
- (ii) *An area of land that is in or adjacent to a designated downtown, village center or new town center, with clearly defined boundaries that have been approved by one or more municipalities in their municipal plans to accommodate a majority or growth over a 20-year period.*

The Town of Colchester has focused its planning resources on the proposed growth center at Severance Corners for many years. Colchester is a municipality without the traditional downtown or village core that characterizes Vermont municipalities. In 1922 the historic heart of Colchester, the incorporated Village of Winooski (home to the Town's traditional commercial/industrial core and to two-thirds of its population) separated to become an independent city. This fact explains a great deal about the Town's current land use patterns. Absent a core, the Town was left largely as a rural agricultural community. Since 1922 development occurred in other locations in town, much of it when land use planning was not a common activity in Vermont. Development took place along Rt.15, attracted by St. Michaels College and Fort Ethan Allen, and especially after the IBM facility in Essex Junction began its growth curve in the 1970's. Mallets Bay continued to attract vacation and second home services. The construction of I-89 Exit 16 at Rt.2/7 created another magnet for development. Given these patterns, it is not surprising that other locations in town did not prosper and grow, but rather remained rural or settled into quiet residential areas.

To bring more order to future growth, Colchester has established a strong planning and land-use regulatory program. A major focus in this process has been an effort to establish a new core for the municipality anchored on the land around the intersection of Rt2/7 with Severance/Blakely Road. The intersection is commonly known as Severance Corners, and we will refer to it in that way throughout this application.

The goal of the new core is to attract development into a dense mixed use area and to slow and reduce development of rural agricultural land within the Town. The *2007 Colchester Town Plan States*:

The area is confined to properties around the intersection (of Rt2/7 and Blakely/Severance Roads) and future interchange (with the CIRC Highway) and is surrounded by low and rural density zoning districts. The Town adopted General Development 3 zoning for this area to promote a dense, mixed use village type development patten for this area. The area is intended to contain pedestrian amenities and connectivity, community spaces and access to public transportation. Development in this area should be balanced in terms of residential and commercial development. As the growth center develops, residential density increases may be considered especially to help the commercial uses be more viable (*See Attachment B, pg. 9*).

The Growth Center Program offers Colchester a critical tool for implementation of its planning program, specifically:

One of the predominant benefits of State designation of a growth center is prime agricultural soil mitigation rights which makes it beneficial to develop with growth centers and infill development and more restrictive to build on agricultural soils outside of those areas (*See Attachment B, pg. 10*)

Because most of Colchester's buildable land is also classed as primary agricultural soil, the Town can best preserve those soils for productive use or at least as open space if it can employ the tools offered through the Growth Center Program (*See Map 1*).

The first component of the new core is the New Town Center designated by the Vermont Downtown Board on July 23 of this year. This action was a preliminary step toward

growth center designation that enabled the Town to refine its growth center planning. As part of that work, the Town quickly learned that the New Town Center is not big enough to accommodate a majority of forecasted population and development over the next twenty years. Forecasts produced by the Chittenden County Regional Planning Commission (CCRPC) indicate that “a majority” of Colchester’s growth will equal 3,837 households and 5,167 employees by 2025, and 4,121 households and 5,330 employees by 2030. The CCRPC’s build-out analysis for the New Town Center indicates that it cannot accommodate a majority of this population and employment growth in a twenty-year time frame under the provisions in our current zoning bylaw (*See Attachment C, pg 5*).

In light of this situation, the Town has laid out a proposed growth center adjacent to the designated New Town Center that will allow for creation of a true core for Colchester. (*See Map 2*). This proposed growth center, totaling 328 acres (of which 273 are buildable), is substantially able to accommodate a majority of the town’s forecasted household growth, and can easily accommodate a majority of the Town’s forecasted employment growth for 2025. It is undersized to accommodate a majority of household growth forecasted for 2030 (*See Attachment C, pg.5*). The Town will use the next year to refine the layout of the final growth center proposal to fully accommodate growth to 2030.

We designed the proposed Severance Corners growth center to extend along Severance Road to the east, Blakely Road to the west towards Mallets Bay, and along Rt. 2/7 north and south in a way that will avoid the need for extension of town water and sewer infrastructure across undeveloped lands, and to avoid working farms. To our best knowledge there are no historic or archeological resources within the proposed growth center; however, the Town will undertake a specific analysis to verify that assertion during the next eighteen months.

(3) A municipality must first demonstrate that the proposed area of land is either in a duly designated downtown, village center or new town center or is adjacent to a designated downtown, village center or new town center.

The Town of Colchester’s proposed growth center is located adjacent to its designated New Town Center (*See Map #2*).

(4) The municipality must demonstrate that it has a duly adopted and regionally approved town plan in which the proposed growth center complying with 24 V.S.A. § 2791(12)(A) has been identified.

The Colchester Selectboard adopted its Town Plan in July 2007 (*See Attachment D*). The proposed growth center at Severance Corners is identified and described in the Plan on Page 9 (*See Attachment B*). The Chittenden County Regional Planning Commission approved the *2007 Town Plan* on July 27, 2007 (*See Attachment E*).

Colchester’s proposed growth center is located in what the *2006 Chittenden Regional Plan* defines as a “Village Planning Area” (*See Map #3*). The *Regional Plan* specifies the following for “Village Planning Areas” (*See Attachment F, pg. 2.6*):

A Village Planning Area is a compact area of mixed-use activities that maintains the character of a Vermont village. This type of planning area is intended to serve

its local surroundings as a municipal center where people can live, work, shop and recreate. The *Regional Plan* designates 20 Village Planning Areas in the County (See Map 3). Some municipalities have more than one Village Planning Area and some municipalities may have none.

Many of the other chapters of the *Regional Plan* present policies that relate specifically to the Village Planning Areas. These policies recommend that Village Planning Areas

- ❖ Provide for commercial, cultural, educational, employment, industrial (when compatible) institutional and recreational needs of local residents and employers.
- ❖ Have a high priority for public sewer and water infrastructure and for transportation investments (including non-motorized modes) to support future developments, and;
- ❖ Be developed in accordance with local plans and bylaws to allow for higher-density, mixed uses, employing design standards that incorporate alternatives to automobile transportation, ensure the compatibility of nearby land uses and minimize the adverse impacts on natural resources and ecosystem health.

The Planning Area concept is a tool for articulating the *Regional Plan's* general policies (see page 2.1 of the *Regional Plan*). The Plan does not recommend that every village be identical. A municipality should tailor the Plan's policies to support its own community development goals.

Colchester's proposed growth center is consistent with these 2006 *Regional Plan* policies.

(5) The municipality should describe how it either meets, or proposes to take substantial action to meet, the characteristics under 24 V.S.A. § 2791(12)(B).

- (i) *The proposed growth center incorporates a mix of uses that typically include or have the potential to include the following; retail, office, services, and other commercial, civic, recreational, industrial and residential uses including affordable housing and new residential neighborhoods within a densely developed compact area.*

The entire proposed growth center falls within the General Development 3 district in Colchester's zoning bylaw. The stated purpose of the GD-3 District is:

to provide compact mixed use development within the Severance Corners neighborhood. Businesses and residential uses should be developed to complement each other. Pedestrian accessibility, aesthetics and public spaces are to be emphasized; Development should be permitted and encouraged as long as it is complimented, within each development unit, by public amenities, open space, and aesthetic site and building design. (See Attachment F, Colchester Zoning Bylaw, Supplement 19, Article 4, Page 3)

This district allows a very diverse mix of activity as permitted uses, ranging from single family detached dwellings to various types of multi-unit housing including those with attached special services such as group homes, halfway houses or congregate housing. Permitted non-residential uses range from modest scale retail (10,000 sq.ft or less), to restaurants to commercial greenhouses. The bylaw also allows a diverse mix of service uses such as general office, financial institutions, business services, art studios and drycleaners. A limited number of other uses can be located in the proposed growth center with conditional use review. (See Attachment H)

The GD-3 zoning allows four story buildings and 70 per cent lot coverage, and a base density of one unit per 10,000 square feet (equal to 4 units per acre). This base density may be increased to up to twelve units per acre if allowed density bonuses are sought and awarded. This is the highest density in Colchester, with the exception of the General Development 2 district that is specifically worded to accommodate existing development in an historic district at Fort Ethan Allen. (See Attachment I)

Burnt Rock Associates completed a *Housing Needs Assessment* for Colchester in 2005 that identified four key needs:

- Accommodate anticipated demand for new housing in Colchester
- Retain the existing supply of modestly priced dwellings
- Ensure that new construction includes modestly priced dwellings
- Provide more – and more varied – housing options for seniors

(See Attachment J)

The Town has taken a number of substantive steps to create a land use environment in which affordable housing can be built in the proposed growth center including high density multi-family housing as a permitted use, creation of very meaningful opportunities for additional density bonuses, and a transfer of development rights program.

The new development now under construction in the southwest quadrant of the Rt.2/7 and Severance/Blakely Road intersection includes three story mixed-use buildings with commercial/office space at ground level with residential units in the two upper stories. The price for these units runs from \$120,000 for one bedroom units to \$275,000 for three bedroom, two bath units on the third floor (See Attachment K). The prices at the lower end of this range are well within the reach of households earning the state's median income (See Attachment L from *"Between a Rock and a Hard Place – 2007"*).

- (ii) *The proposed growth center incorporates existing or planned public spaces that promote social interaction, such as public parks, civic buildings, community gardens and other formal and informal places to gather.*

Colchester's zoning bylaw requires developers to design their projects to include public spaces. (See Attachment G, pg 6) The Town's Final Plat approval for the first phase of the large development (now under construction) located at the core of the proposed growth center illustrates the implementation of these bylaw requirements for parks, playgrounds and recreation fields that will promote social interaction (See Attachment M and N). As the Town demonstrated in its New Town Center application, there will also be a large public meeting room provided in one of the buildings now under construction on

the south side of Blakely Road, with an option for the Town to open a satellite office for its Community Development Department in one of the buildings in a future phase of the build out of this portion of the growth center.

- (iii) *The proposed growth center is organized around one or more places or focal points, such as prominent buildings of civic, cultural or spiritual significance or a village green, common or square.*

Because this proposed growth center is anchored on a designated New Town Center being built on open land, there are no existing prominent buildings of civic, cultural or spiritual significance. The Town does not plan to construct any new facilities of its own in the proposed growth center; however, as illustrated in Question 5(ii) above, the Town Zoning Bylaw does require developers to provide public spaces and facilities that will serve as the focal point(s). This situation may be unique to Colchester, but it makes sense for the Town, and provides an opportunity to focus new development in an appropriate location for establishment of a new town core based on smart growth principles.

- (iv) *The proposed growth center promotes densities of land development that are significantly greater than existing and allowable in parts of the municipality that are outside a designated downtown, village center or new town center.*

The area within Colchester's proposed growth center is zoned for the greatest density in town with the exception of the "General Development 2" district that is specifically worded to accommodate existing development in an historic district at Fort Ethan Allen. It is surrounded by lower density residential districts and open agricultural lands. Residential areas to the north and south of the proposed growth centers have densities of one unit per 40,000 sq.ft. Residential district to the east of the growth center requires one unit per 15,000 sq ft, while the agricultural zone to the west of the growth center requires one unit per 25 acres (See Attachment I and Map#4).

- (v) *The proposed growth center is supported by existing or planned investments in infrastructure and encompasses a circulation system that is conducive to pedestrian and other non-vehicular traffic and that incorporates, accommodates and supports the use of public transit systems.*

The Rt.2/7 – Blakely/Severance Road intersection is a major junction serving not just local traffic, but through-town commuter traffic as well. Rt.2/7 is classified as a principal arterial, while Blakely/Severance Roads are deemed collector roads. The intersection is signalized, with protected left turn phases to the signals and dedicated left turn lanes in all four approaches.

The RSG consulting firm completed a series of studies for property owners in the proposed growth center to evaluate the impact their mixed-use projects would have on traffic at the intersection. In the most recent work, prepared in 2005 as part of the Ireland Industries Act 250 application for land in the growth center to the south of Severance Road and to the east of RT.2/7, RSG's analysis showed a modest growth in background traffic counts. Average daily traffic along the major roads and through the intersection will grow as the proposed growth center is built out over the next 20 years.

The 2005 report indicates levels of service in the Rt.2/7 intersection with Blakely/Severance Road, with outcomes one would expect at a rural crossroads that handles significant levels of peak AM and PM commuter loading (*See Attachment O*). During the next year as the Town prepares its full application for Growth Center Designation, the focus of analysis will remain on this key intersection, but will also expand to consider capital improvements that may be necessary to maintain safety and functionality at intersections of the main state and town roads with local streets leading into residential and commercial areas of the growth center. These roads will be built by developers to town standards and will be public streets.

RSG also completed a traffic safety analysis of the intersection in 2005 for Ireland Industries. The firm's findings identified only one change that would improve safety at the intersection, reduction of speed to 35 mph, as the land around it builds out. Traffic flow through the junction may be complicated by the proposed location of a CIRC Highway interchange just to the south and east that will deposit traffic on both legs of the intersection, but the RSG analysis included a scenario with a full Circ build (*See Attachment P*).

Important issues surrounding the impact of increasing traffic at this intersection include improvements to protect pedestrian crossings that will connect the four quadrants of the proposed growth center. As of this writing, a consultant is completing a study for the Town that will recommend capital improvements for the crossings. The Town anticipates that as the proposed growth center approaches build-out, additional improvements will be necessary at this intersection. Colchester will avoid the dilemma of uncertain VTRANS funding for such improvements through a six-party Memorandum of Understanding signed August 28, 2007 by the Town and the five developers who own the property around the intersection. Under this agreement, the costs for any improvements will be split six ways, with each party paying one-sixth of the totals cost of the work. Unfortunately, the specific language of the MOU is not available for public scrutiny until January 31, 2007 when all legal work on the formal agreement is scheduled for completion.

The proposed growth center is designed to be of a size conducive to pedestrian travel. All but a small portion of the growth center is within one-half mile of Severance Corners (*See Map #5*).

In 2007 the Chittenden County Metropolitan Planning Organization and Wilbur Smith Associates completed a *Severance Corners Bicycle and Pedestrian Circulation System Plan* for Colchester's proposed growth center. The Plan includes recommendations for a shared path system and a network of sidewalks to provide internal connectivity for the growth center and to provide linkage to other residential neighborhoods and to the town service center. The Town will use the information and recommendations in the Plan as the foundation for municipal land use permits issued as the growth center is built out in the GD-3 zoning district. (*See attachment Q*). The Town's zoning bylaws for the GD-3 district require internal sidewalks to be owned and maintained by developers and/or owner's associations.

The proposed growth center is not currently serviced by public transit. During the next year, as the Town completes its application for full growth center designation, it will review options for encouraging transit. The Town has already taken useful preliminary steps to prepare for eventual transit service through requirements in its zoning bylaw

that set forth specific standards for transit infrastructure within individual developments in the growth center (*See Attachment G*).

- (vi) *The proposed growth center results in compact concentrated areas of land development that are served by existing or planned infrastructure and are separated by rural countryside or working landscape.*

Colchester's proposed growth center as defined in the *2007 Town Plan*, and in the zoning bylaw that implements the Plan, meets this requirement. The total size of the proposed growth center is 328 acres or about 1.4% of the Town's total of 23,603 acres. It is served by existing water and wastewater infrastructure, with minimum need to extend lines only into individual developments as they build out to populate the growth center. The center itself is separated from other heavily developed parts of Colchester by open space or working landscape to the north and south along Rt. 2/7, or by largely single family detached residential districts to the East along Severance Road or the west along Blakely Road (*See Map #4*). As demonstrated in Question 5(iv) above, the growth center will be developed at densities higher than other rural or residential districts. In fact the Town has in place in its zoning bylaw significant density bonuses of up to 100% in planned unit developments that will provide significant incentive to developers who would create a PUD within the proposed growth center (*See Attachment G, pg 3-4*). Moreover, the Town's Transfer of Development Rights program identifies the proposed growth center as a "receiving area" that may expand density by up to three times that normally permitted, further attracting desired development (*See Attachment R*).

- (vii) *The proposed growth center is planned in accordance with the planning and development goals under 24 VSA 4302 and to conform to smart growth principles. "Smart Growth Principles" means growth that:*

(A) *Maintain the historic development pattern of compact village and urban centers surrounded by rural countryside.* See response to Question 5(vi) above.

(B) *Develops compact mixed-use centers at a scale appropriate for the community and the region.* See response to Question 5(i) above.

(C) *Enables choice in modes of transportation.* See response to Question 5(v) above.

(D) *Protects the state's important environmental natural and historic features, including natural areas, water quality, scenic resources and historic sites and districts.* The Town designed the proposed growth center to avoid as much as possible significant natural areas. The Town's *Open Space Plan*, adopted by the Selectboard in February 2000, identified a significant sandplain feature and deeryard in the southern portion of the proposed growth center to the west of Rt.2/7. Analytical work done by developers for permit applications verified the presence of wetlands in the southwest quadrant of the growth center. Due to the presence of these features and to steep slopes, that acreage has not been counted as suitable for development in our build-out analysis. The Town located the boundary of the proposed growth center at the edge of a major sandplain feature to the south of the growth center and to the east of Rt.2/7 (*See Attachment S and Map #6*). The other natural resources in the proposed growth center, as in most of Colchester, are primary agricultural soils. Primary soils in the New Town center have

already been the subject of conditions in an Act 250 permit issued for development now under construction in the southwest quadrant of Severance Corners. The Town designed to remainder of the proposed growth center to avoid as much as possible other prime soils, but there is no way Colchester can accommodate any meaningful growth over the next twenty years without building on, and mitigating the loss of, some prime soils.

(E) Serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries. By attracting a majority of household and employment growth over the next twenty years through municipal land-use regulation and state-supplied incentives (such as the mitigation rates associated with this Interim Benefits Program and the Growth Center Program in general), the proposed growth center is designed to reduce development pressure on Colchester's working agricultural soils and open spaces.

Colchester's Zoning Bylaw provides for Agricultural Districts the purpose of which is:

To maintain, preserve and enhance agricultural lands, uses and rural character of the Town of Colchester and to protect soil, water and other natural resources, to maintain, preserve and enhance open space lands and to protect these lands from suburban development.

Density in Agricultural Districts is set at one unit per 25 acres. The mix of permitted and conditional uses allowed in the Agricultural district include single family homes, PRD's and other uses traditionally found in agricultural areas such as machinery sales and repair, farm stands and kennels (*See Attachment H*). The proposed growth center is all but surrounded by Agricultural districts (*See Map 4*), but buffered by less dense residential areas that will have the effect of minimizing the potential conflict between high density mixed uses and very low density agricultural activity.

(F) Balances growth with the availability of economic and efficient public utilities and services. The proposed growth center is served by municipal water and wastewater services. It is Colchester town policy that the extension of water and sewer lines to new development must be done at the cost of the developer. Capacity is allocated on a project by project basis. Colchester currently has 109,900 gallons of wastewater treatment capacity available for the proposed growth center, purchased from the City of South Burlington. Colchester has contracted with the City for an additional 350,000 gallons to become available within five years as South Burlington completes its treatment capacity expansion project. This means that there will be a total of 460,000 gallons available for the proposed growth center in five years. The growth center will need an approximate increase of 400,000 additional gallons of treatment capacity to service full build-out density. Colchester cannot specify at this time the source(s) for the additional needed treatment capacity. During the planning process over the next 18 month, the Town and its consultants will analyze ways to meet that need, including construction of a new treatment facility, development of an on-site community system, or even the potential for a regional wastewater utility. The product of the work will enable the Town to meet application requirement for growth center designation.

(G) Supports a diversity of viable businesses in downtowns and villages. See the response to Question 5(i) above.

(H) Provides housing that meets the needs of a diversity of social and income groups in each community. See the response to Question 5(i) above.

(I) Reflects a settlement pattern that, at full build out is not characterized by:

(i) Scattered development located outside of compact urban and village centers that is excessively land consumptive. See Maps 1 and 2 and the response to Questions 5(i) and 5(vi) above.

(ii) Development that limits transportation options, especially for pedestrians. See response to Question 5(v) above.

(iii) The fragmentation of farm and forest land. See Map 1 and the response to Question 5(vi) above

(iv) Development that is not serviced by municipal infrastructure or that requires extension of municipal infrastructure across undeveloped lands in a manner that would extend service to land located outside compact village and urban centers. See response to Question 5(vi) above.

(v) Linear development along well-traveled highways that lacks depth as measured from the highway. Colchester's proposed growth center is not narrow strip development along RT.2/7 or Blakely/Severance Roads. Rather it is development in depth off each of those roads with multiple buildings and public spaces to be served by a combination of public and private streets, town paths and sidewalks (See Map 2).

(viii) The proposed growth center is planned to reinforce the purposes of 10 VSA Chapter 151. It has proven to be difficult to find an "official" statement of the purpose of 10 VSA 151. Without extensive research into the legislative history of this section of the law, we have found two published documents, one statutory, the other a publication of the Natural Resources Board, that seem to express what the Legislature wanted to accomplish when it passed this legislation.

CHAPTER 151. STATE LAND USE AND DEVELOPMENT PLANS

§ 6042. Capability and development plan

The board shall adopt a capability and development plan consistent with the interim land capability plan which shall be made with the general purpose of guiding and accomplishing a coordinated, efficient and economic development of the state, which will, in accordance with present and future needs and resources, best promote the health, safety, order, convenience, prosperity and welfare of the inhabitants, as well as efficiency and economy in the process of development, including but not limited to, such distribution of population and of the uses of the land for urbanization, trade, industry habitation, recreation, agriculture, forestry and other uses as will tend to create conditions

favorable to transportation, health, safety, civic activities and educational and cultural opportunities, reduce the wastes of financial and human resources which result from either excessive congestion or excessive scattering of population and tend toward an efficient and economic utilization of drainage, sanitary and other facilities and resources and the conservation and production of the supply of food, water and minerals. In addition, the plan may accomplish the purposes set forth in section 4302 of Title 24. (1969, No. 250 (Adj. Sess.), § 19, eff. April 4, 1970.)

“...it is necessary to regulate and control the utilization and usages of lands and the environment to ensure that, hereafter, the only usages which will be permitted are not unduly detrimental to the environment, will promote the general welfare through orderly growth and development and are suitable to the demands and needs of the people of this state.” (Findings and declaration of intent for 10 VSA chapter 151 (from NR Board booklet *Act 250: A guide to Vermont's Land Use Law*. Montpelier, 2006.)

Taken together, it would seem that these two statements capture enough of the “purpose” of Act 250 to enable the Town to measure whether or not its proposed growth center reinforces that purpose. The information provided in the body of this application demonstrates clearly that Colchester’s proposed growth center fulfills this obligation.